

MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HANSEN BEVERAGE COMPANY v. INNOVATION VENTURES No. 08-CV-1166-IEG(WVG)

HON. WILLIAM V. GALLO

CT. DEPUTY J. YAHL

RPTR. 1h 15m

Plaintiffs

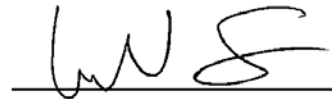
Attorneys

Defendants

The court convened a telephonic discovery conference on December 22, 2009 at 8:00 A.M. in Courtroom F. Appearing were William Kammer and Thomas Landers for Plaintiff Hansen, and Thomas Cunningham for Defendant Innovation Ventures.

At the discovery conference, the Court heard Plaintiff's request to discover the "Medicus Report" prior to the expert discovery deadline. The Court nonetheless does not find Plaintiff's arguments persuasive. The Medicus Report is a report authored by one of Defendant's rebuttal experts, Dr. Jay Udani. It is not a business record kept in the course of regularly conducted business. Defendant did not waive any privilege associated with the Medicus Report, e.g. attorney work product privilege, by producing it confidentially and for "attorney's eyes only" in response to an investigation by the National Advertising Division of the Better Business Bureau. Accordingly, the Medicus Report is not discoverable by Plaintiff prior to the expert discovery dates, of February 9, 2010.

DATED: December 22, 2009



Hon. William V. Gallo
U.S. Magistrate Judge